

# Smoke Free Multi-Unit Housing

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Secondhand smoke is one of the leading causes of preventable death. It is a complex mixture of gases and particles that includes smoke from the burning cigarette, cigar, or pipe tip (sidestream smoke) and exhaled mainstream smoke. Secondhand smoke is not containable, and as a result it seeps through light fixtures, doorways, and crawl spaces in buildings where there are smokers. It cannot be controlled by ventilation systems, or by separating smokers from non-smokers. The only solution to protect the health of all residents in a multi-unit housing facility is to adopt a smoke-free air policy.

## **Why a Smoke Free air Policy should be Adopted in Multi-Unit Housing:**

\*By adopting a smoke free air policy for multi-unit housing, landlords and owners will reduce wear and tear on their facilities, and will save money on cleaning and painting expenses. Multi-unit housing owners estimate that it costs from \$500-\$8,000 extra to restore a housing unit that had a smoker versus a non-smoker.

\*Adopting a smoke free air policy can reduce the likelihood of fires in multi-unit housing. Cigarette smoking is reported as the leading cause of apartment fires. In 2007 there was an estimated 98,500 apartment fires, which is a 7.7% increase from 2006. These damages accrued \$1.164 billion spent on damages that occurred in apartment fires, which is a 29.9% increase in property loss from 2006. 515 lives were lost in multi-unit housing fires in 2007.

\*Apartment owners have the legal right to make their rental property smoke free, just as they have the right to decline to rent to pet owners. There is no state or federal constitutional right to smoke.

\*If a landlord or owner has a tenant that is sensitive to secondhand smoke or has breathing disorders, landlords are required under the Disabilities Act and/or the Fair Housing Act to provide accommodations to protect the tenant from secondhand smoke in common areas as well as in their own units.

\* As more landlords and owners are aware on the dangers of secondhand smoke and are adopting smoke free policies for their building, tenants are becoming increasingly aware of the dangers of living in a building without a smoke free air policy. With the increase of smoke free apartment buildings and homes, there is an increased interest and demand by tenants for apartments that have a smoke free air policy in place.

## **Helpful Resources on Smoke Free Multi-Unit Housing:**

American's for Nonsmokers' Rights: <http://www.no-smoke.org/>

MI Smoke Free Apartments: <http://www.mismokefreeapartment.org/>

Smoke Free Environment Law Project: <http://www.tcsq.org/sfelp/home.htm>

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## How Tenants can protect themselves from secondhand smoke:

1. **Do Your Homework:** Look at your lease. It may not specifically address smoking, but there might be terms and conditions about noise or other types of behaviors that can impact residents' quality of life, which could be used to make a case that your neighbors should not be smoking in a way that jeopardizes your quality of life.
2. **Find Allies:** You may not be the only one affected by secondhand smoke in your apartment or condominium complex. Other tenants may be willing and interested in joining with you to find a solution. Find out if any tenants have health problems that make them particularly susceptible to the hazards of secondhand smoke. When discussing the problem of other residents smoking within multi-unit housing with the landlord, owner, or management association, you are likely to have greater success with many voices instead of one.
3. **Share Information:** Remind your landlord that it is legal to adopt a smoke free policy. Many landlords are hesitant to adopt a smoke free policy because they mistakenly think it is illegal or discriminatory to do so. Even with an existing lease, a no-smoking lease addendum can be added at any time. Place emphasis on landlords and owners having the legal right to institute a smoke-free policy.

## How Landlords and Owners can adopt a Smoke-Free Air Policy for Your Apartment Building:

1. **Make a Plan:** Will you adopt a smoke-free campus or will tenants be able to smoke outside? Start by designating all indoor areas as smoke free, including individual apartments. Follow up by limiting smoking outdoors to designated areas.
2. **Hold a Meeting:** Gather with tenants to discuss the changes and inform them of the new policies regarding where smoking is prohibited and where the designated smoking areas are located. There may be resistance, but remember all existing tenants have rights under their leases, including non-smokers.
3. **Amend New Leases:** Change the language of the lease to legally include your new smoke free policy. When new tenants sign a contract, the policy should be made clear.
4. **Promote Your Smoke Free Policy:** Begin advertising your smoke-free status to gain new tenants who appreciate a clean and healthy smoke free environment. According to a recent survey, nearly three quarters of renters would prefer living in smoke-free apartments.
5. **Enforcing Your Policy:** This has been reported to be the easy part of the process. In fact, enforcing a non-smoking policy takes less time than mediating disputes between smokers and non-smokers when a policy is not in place.

**Sources:** "Going Smokefree: In your Home." Americans for Nonsmokers' Rights. 26 September 2008. <http://www.no-smoke.org/goingsmokefree.php?id=101> ; Karter, Michael Jr. "Fire Loss in the United States 2007." National Fire Protection Association. National Fire Protection Association. <http://www.nfpa.org/assets/files/pdf/os.fireloss.pdf>. August 2008 ; "MI Smoke-Free Apartments" <http://www.mismokefreeapartment.org/> ; "Secondhand Smoke." Center for Disease Control and Prevention. "The Federal Fair Housing Act and the Protection of Persons who are disabled by secondhand smoke in most private and public smoking". Smoke-Free Environment Law Project: The Center for Social Gerontology. September 2002 ; Susan Schoenmarklin and Jacque Petterson "Clearing the Air: Industry Discusses Trends towards Smoke-Free Housing." UNITS. National Apartment Association. December 2007.